

ORDINANCE NO. 2025 - 1

AN ORDINANCE OF BOUNDARY COUNTY, IDAHO, AMENDING ORDINANCE 2020-2 TO PROVIDE FOR AUTHORITY OVER ACCESS POINTS ON PUBLIC HIGHWAYS, AND AMENDING THE APPLICABILITY OF VARIANCE CRITERIA.

WHEREAS, Title 40, Chapter 6, Idaho Code, vests the Board of County Commissioners of Boundary County with authority to develop rules and standards governing roads and rights-of-way under their jurisdiction, and

WHEREAS, the Board of County Commissioners has previously adopted rules and standards for the regulation of public roads and rights-of-way within its jurisdiction via Ordinance 2020-2, and

WHEREAS, the Board of County Commissioners now seeks to amend those rules and standards to provide the Boundary County Road and Bridge Department additional authority over access points onto publicly owned roads and to clarify the applicability of variance standards to certain access points; and

WHEREAS, the Board of County Commissioners did hold a public hearing on this matter on Dec 12, 2024;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BOUNDARY COUNTY, IDAHO, that the following be and is hereby adopted as an ordinance of Boundary County amending Ordinance 2020-2 as follows:

3.2 GENERAL

- A. Access to State Highways is regulated by the Idaho Transportation Department (ITD). The property owner is responsible to coordinate with ITD for satisfactory completion of any requirements.
- B. Boundary County reserves the right to restrict access onto County roads. In new subdivisions, the developer may be required to provide joint access to lots with frontage of less than 300 feet. Corner lots will be required to access on the roadway with the lowest classification and as close as practicable to the property line most distant from the intersection. All construction of accesses shall conform with the standards with this Section and with the terms of the permit issued.
- C. Accesses shall be designed so that backing maneuvers from or onto a public road will not occur
- D. A traffic impact study may be required for multi-family residences, commercial or industrial accesses. The costs of the study shall be the responsibility of the applicant.
- E. Boundary County retains the right to review safety issues and concerns on all public roads under its jurisdiction.

3.3 STANDARDS

That portion of any new access with a County right-of-way or entering onto county-maintained roadways shall comply with the following standards:

- A. The location, design and configuration of the access shall conform to the specifications and dimensions shown on Figures 3.1-3.3.
- B. Whenever possible, no new access on collectors or arterial roads shall be located within 330 feet of an existing access, or the intersection of two public rights-of-way. Whenever possible, access on local roads shall not be located within 200 feet from an existing access or the intersection of two public rights-of way. Locate accesses directly across from existing accesses whenever possible.
- C. New accesses shall intersect the roadway at an angle between 80 and 90 degrees, and as close to 90 degrees as possible.
- D. Proper precautions shall be taken to provide and maintain adequate drainage of County roads. Any interference to drainage to the County road caused by applicant or his agents will be corrected by Boundary County at the expense of the applicant or permittee. Culverts under new accesses and located within a County right-of-way shall have a minimum diameter of twelve (12) inches and shall be galvanized metal. Culverts shall be located and sized so as to form a continuation of the existing roadside drainage system and shall extend beyond the toe of any fill placed in association with the access. An engineering study may be required to size the culvert at the discretion of the Boundary County Road and Bridge Department. The cost of the study shall be at the expense of the applicant.
- E. Reasonable effort shall be made to ensure all new approaches slope downward from the roadway. On a new driveway approach, the slope of the driveway from the shoulder of the County road shall be no greater than four percent (4%) negative grade and no less than two percent (2%) negative grade for a minimum distance of 15 feet from the County road shoulder. On a new road approach, the slope of the roadway from the County road shall be no greater than four percent (4%) negative and two percent (2%) negative grade for a minimum distance of 50 feet from the existing edge of the County road pavement. The approach shall be designed as to prevent surface water runoff from reaching the County roadway.
- F. Wherever possible the sight distance for new approaches entering arterial, collector or local access roads shall be a minimum of three hundred (300) feet and a minimum sight triangle of forty (40) feet. Permittee shall be required to perform the necessary brush removal to meet and maintain sight distance requirements. See Figure 3.4 for clarification. Sight Distance may be based on the AASHTO (American Association of Highway and Transportation Officials) "Policy on Geometric Design of Highways and Streets"
- G. During construction of approaches, such barricades, signs, and other traffic control devices shall be erected and maintained in conformance with the latest edition of the Manual on Uniform Traffic Control Devices and in accordance with the approved traffic control plan.
- H. The provisions of this Manual shall not affect accesses or approaches in existence on or before January 23, 2007, but any alteration of such accesses shall conform fully with the provisions

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established herein. The provisions established herein shall likewise not necessarily preclude establishing a new access or approach to any lot or parcel lawfully created before January 23, 2007. Such new approaches will be examined by Road and Bridge on a case-by-case basis, and variances from the strict standards herein may be granted when doing so does not create hazard.

- I. The applicant may challenge the decisions of the Boundary County Road and Bridge Department by hiring a licensed professional engineer to complete a sight stopping distance and safety study for the proposed location and make recommendations to the Boundary County Road and Bridge Department, who may accept or reject the recommendations for decreased sight distance requirements.

6.2 APPLICABILITY

A variance is a request for modification of any provision of the current Boundary County Road Standards Ordinance. A Variance may be granted only upon a showing of undue hardship because of characteristics of the site and when not in conflict with the public interest or safety. The hardship cannot be created by the actions of the landowner(s). When considering the public interest, the Board shall review the standards set for in 6.4.4.

END

The provisions of this Ordinance are hereby declared to be individually severable. Should any provision of this Ordinance be declared invalid by a Court or competent jurisdiction, such declaration shall not affect the validity of the remaining provisions.

The provisions of this Ordinance shall be in full force and effect thirty (30) days following its passage and publication in a newspaper of general circulation.

APPROVED AND ADOPTED this 10 Day of December, 2024.

BOARD OF BOUNDARY COUNTY
COMMISSIONERS

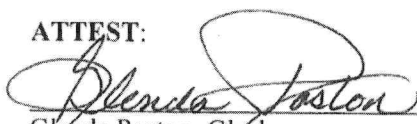

Tim Bertling


Wally Cossart


Ben Robertson



ATTEST:


Glenda Poston, Clerk

STATE OF IDAHO } SS.
County of Boundary }
Filed by: BC Commissioners
on 12-12-2024 at 9:55
Glenda Poston
County Recorder C. Gramer
By Deputy

Fee \$ 0
Mail to Filed